

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DROPLETS, INC.

PLAINTIFF,

V.

OVERSTOCK.COM, INC.,
SEARS ROEBUCK & CO.,
SEARS BRANDS, LLC,
SEARS HOLDINGS CORPORATION,

DEFENDANTS.

CIVIL ACTION NO. 2:11-CV-00401-
JRG-RSP

JURY TRIAL

ORDER

The Court, having considered Defendants' Objections to Magistrate's Pretrial Order Excluding Sears' Witnesses Matt Lifka And Meenakshi Nair ("the witnesses"), finds that Judge Payne's order excluding the witnesses from testifying at-trial in the above-captioned case was not clearly erroneous and is not contrary to law. The Defendants did not identify or otherwise disclose the witnesses during fact discovery. Accordingly, the Motion should be DENIED.

It is therefore ORDERED that Defendants' Motion is DENIED.